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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 4924 OF 2007

PETITIONER Smt. Jainbai Mandawi W/o. Late Dhan Singh Mandawi, aged about 50 years, Veterinary Attendants, District Veterinary Hospital, Rajnandgaon

Versus

RESPONDENTS

1. State Govt. of Chattisgarh, Through : The Chief Secretary, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. Dy. Director of Veterinary Services, Stadium Rajnandgaon (C.G.)
3. The Collector, Rajnandgaon (C.G .)
4. Mahavir Patel, Veterinary Attendant (Contingency Employee) Distt. Veterinary Hospital , Rajnandgaon (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:
Shri B.K. Sharma, Learned counsel for the petitioner.
Ku. Deepali Pandey, Panel Lawyer for the State on advance copy.

ORAL ORDER
(27.08.2007)

S.B SUNIL KUMAR SINHA, J

Heard on admission.

The petitioner who is working on the post of Veterinary Attendent, has been transferred from Veterinary Hospital, Rajnandgaon to Veterinary Hospital, Gidarri which is at distance of 40 Km. from Rajnandgaon. Learned counsel for the petitioner submits that the petitioner is a lady, therefore, it would not be possible for her to go to the distance of 40 km. from Rajnandgaon. He also argued that the petitioner was given compassionate appointment on the ground of

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death of her husband in the month of August 2006, therefore, she should not have been transferred from Rajnandgaon to Gidarri.

Needless to say that these are not grounds for a Court of Law to interfere with the order of transfer passed by the competent authority. These grounds are to be considered by the employer itself. Unless the order of transfer is shown to be vitiated by malafides, extraneous considerations or against the provisions of Rules or the Act, the Courts are not required to interfere with the orders of transfer is the settled view of Supreme Court .

In view of the above, I am not inclined to admit this petition for hearing. However, looking to the facts and circumstances of this case, if so advised, the petitioner, who is a lady and was appointed on compassionate ground, may file a representation before the competent authority. If such a representation is filed, the same shall be disposed of at the earliest by the said authority in accordance with Law looking to the personal difficulties of the petitioner.

The petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge